80-6504

Supreme Court Of The United States
Writ Of Certiorari
From The United States
Court Of Appeals
From The Second Circuit

SL 10 PAGE 32

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John Timothy Reed — No
V
Carl A. Jello Attorney Genetal No- 806304
Of Connecticut. Jack Hanbeury
Warden United States Penitentiary

REPLY
Traverse To The Return

REPLY BRIEF.

No. 80-6504
John T. Reed
105- 240
P.O. Box 100
Connecticut Correctional Institution
Somers, Connecticut. 06071

(1)

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(EXHIBIT)

(1) Prisoner remand or order to deliver Warden Federal Correctional Institution, Danbury Conn. August 18, 1970. Charge BANK ROBBERY Title 18, U.S.C. Section 2113(A) (B) and (D) and title 18, U.S.C. Section 2 (A) and (B) No.MG. 6-70-166

(2) (A) Judgement and Commitment No-12,577 It is adjudged that the defendant whether he has anything to say why judgement should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the court.
(B) It is adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorised representative for imprisonment for a period of Nineteen (19) years on count one, the 2ND and third were dismissed.

(3) Civil NO 13377 Application for Writ of habeas corpus adeese quendum, issued for indicement. 12, 577 Bank Robbery Register NO-19 95026-131 Parole to approved plan.
(4) State Of Connecticut Vs, John T, Reed 1Pe 15-866 Office of the deputy Court administration and clerk of New Haven. No wait of habeas corpus Adprose Jurisdiction file in Superior Court in and for New Haven County.

(5) NO. 15366, State of Connecticut Vs. John Reed A.K.A. John Reid New Haven County Mittimus issued June 18, 1971, Arredted September 2nd, 1969.

(6) Judgement Superiour Court New Haven County sworn by Arnold Markle, Esquire, Attorney for the Stee Of Connecticut within and for said County on August 31, 1969 Charging John Reed, also known as John Reid with the crime of murder 1st degree, N)- 15866, State Of Connecticut Vs John Reed, also known as Reid.
(7)
(7)(Judgement) February 1978, Civil action NO- C-77-444-A

(8) Petition for writ of habeas corpus filed in Atlanta Georgia Federal Court. Because being a Federal Prisoner in the Federal Penitentiary at Atlanta Georgia. Civil- 79-130.

(9) Petition for reconsider Civil 79-131

(10) Letter dated January 19, 1981, Ellen Brew. Bureau.

(11) Letter dated January 19, 1981, Pro-se Law Clerks Olga Valentine

(12) Letter dated Februaru 20, 1981 Pro-Se Law Clerks Olga Valentine

(13) Letter dated June 3, 1981, Attorney William F. Dow, III

(14) Letter dated June 18, 1981, Attorney William F. Dow, III

(15) Letter dated March 13, 1981, Attorney Ira B. Grudberg.

(16) Connecticut Correctional Institution Inmate request to staff members dated May 13, 1981, Inmate Account, Batty.

(17) U.S Department of Justice United States Parole Commission. Dated June 8, 1981. Response to Privacy Act, Request(s) received 5/14/81. 5/22/81.

(18) United States Government Memorandom. May 19, 1981 Judith K. Lasley-Para-legal U.S. Parole commission, Kansas City, Mo. Privacy act request received May 14, 1981.

(19) United States Patole Commission Washington D.C. 20537, December 9, 1980 Rehearing.

(20) Notice of action Dated December 8, 1980, December 4, 1980. North Central 28:11:2:28. New Information

(21) Notice of action Dated ,arch 11, 1981 North Central condition on remarks.

(22) Notice of actions dated December 12, 1981 Parole to an approved plan Gentlemens Workshop.

(23) Inmate request to staff menbers Dated January 9, 1978 County jail time requested.

(24) State of Connecticut Department of corrections, Dated December 1, 1976 Request for time on sentence computation sheet.

(25) Leroy N. Stynchombe, Sheriff, Fulton County, Atlanta Georgia. 30303 dated April 8, 1976 (Detainer)

(26) State of Connecticut, Department of Correction, Connecticut Correctional Institution, Somers, Connecticut, Post Office Box 100, 06071.
Letter dated August 28, 1973: Re: Sentencing Statute

(27) State of Connecticut, Department of Correction, 340 Capitol Ave, Hartford Connecticut. 06115. Letter dated September 5, 1973. Re: Sentencing Statites.

(28) Marie Baslem. Clerk of Circuit Court of Illinois First Judicial District Williamson County, Marion Illionois. 62959, May 29, 1981; Latter dated May 29, 1981: Re: Transcript pf proceeding #81-MR-36

(29) Warrant of arrest: No- 81-MR-36. Dated May 1st, 1981.

(30) United Staes Department of Justice, Federal Bureau of Investigation Washington, D.C. 20537/

(31) The F.B.I. Record sheet.

US Department of Justice.
United States Parole Commission
Dated July 1, 1981

Supreme Court Of The United States
Writ Of Certiorari
From The United States Court Of Appeals
For The Second Circuit.

John Timothy Reed

V

Carl AJello Attorney General NO- 80-6504
Of Connecticut
Jack Hanberry: Warden United States Penitentiary

Traverse to the return come the Petitioner John Timothy Reed and for his traverse to respondents answer and return States.

Petitioner is presently detained, imprisoned and restrained in his liberty by the Warden of the Correctional Institution at Somers Connecticut pursuant to a conviction of murder in the second degree. And a subsequent sentence for violation Sec. 53-11. Sentence was imposed June 18, 1971. Defendant was arrested September 2, 1969 for the crime of murder in the first degree. Sec-53-10.

John Timothy Reed

V

State Of Connecticut.

Appeals affirmed (1978) 386, 386-A. Attorneys motion for rehearing not ruled on by the State Supreme Court Of Connecticut.
Petitioner Pro Se motion for rehearing denied without opinion: Petitioner was committed to the Connecticut Correctional Institution, Somers On June 18, 1971, pursuant to an order of the court. Petitioner was incarcerated in the Connecticut Correctional Institution, and thus undske custody of the State of Connecticut for a period of 40 days after his conviction, at which time he was placed in the custody of Federal Authorities.
Subsequent to the aforementioned conviction, the petitioner person was taken from the custody of the United States authorities to the custody of the authorities for the State of Connecticut to stand trial on State charges.
The aforementioned change of custody was not made pursuant to the filling of a detainer under the provisions of the Interstate agreement on detainers or pursuant to the issuance of a writ of Habeas Corpus ad prosequendum.
The State of Connecticut lodged a detainer against petitioner seeking his immediate return to Connecticut authorities upon his release from Federal incarceration for the purpose of continuing to serve his state sentence.
The aforementioned detainer has not been issued by or pursuant to a legal conviction because it was not issued by a Court which had obtained jurisdiction over the petitioner, due to the failure of the Connecticut authorities to gain control over petitioner's body through the use of a detainer as pro-

vided for by the Interstate agreement on detainers or through the use of a WRIT Habeas Corpus ad prosequendum.

No orders to transfers to other Correctional Institution were filed by the State Correctional Institution Somers, Connecticut, to the Federal Penitentary-Atlanta Georgia, July 28, 1971. Sec, 54-134. Designation of compact Institution. Sec, 54-135 Transfers to other Correctional Institutions.

Sec. 54-136 Incarceration in receiving State not to arrest rights in sending State. Sec. 54-140 Termination of jurisdiction on expiration of allotted period.

Clerk to notify Warden of State Prison sentence "the clerk of any Court which had sentenced any person to the State Prison shall forthwith give notice thereof to the Warden by mail (1949 Rev.S. 8808O)

Habeas Corpus challenges not only fact of confinement but also place of confinement: Lake V. Cameron, 1966, 364, F2d, 657, 1 24 U.S. App D.C. 264-Certiohari denied, 86 S.C.T. 126, 382 U.S. 863, 15 L.E.D. ED. 100.

After writ of Habeas Corpus issued custody of, person restrained of liberty may not be changed.

Wilson V. Rodgers. D.D. 1967, 274 F-Supp 39

The Federal sentence was obtained first and the court did not comply with the Federal Writ of Habeas Corpus ad prosequendum Civil No- 13377 or did they obtain new Writ after being sentenced in Federal Court on October 2, 1970.

The term (Habeas Corpus) is a Genekic one, Embracing both Habeas Corpus Ad-subjiciendum, to enquire into cause of restraint, and Habeas Corpus ad prosequendum to bring prisoner to trial: Morgan V. U.S . C.A. Cal. 1967, 380, Fed 686, Cantiorari denied. 88 S.C.T. 1064, 390 U.S. 962 19; 1 Ed. 1160 rehearing denied. 88 S.C.T. 1249, 390 U.S. 1008 20 I Ed 2d.100.

Writ of Habeas Corpus is procedual device for subjecting exclusive judicial restrains on liberty to Judicial Seruting, Payton V. Rowe VA 1968, 88., SCT 1349 391 U.S. 54, 20, L.Ed.426.

The Federal Court had to lodge the sentence detainer of 19 years, at the record office Somers Connecticut Institution after October 2, 1970, Along with petitioner person to show how a Federal sentence has to be served. When a person is arrested by both State and Federal Sovergin on unrelated charges.

The Federal remand order just held the Government Custody.

The remand order is to deliver and dated August 18, 1970, and its for a Federal charge not a State charge. A letter dated November 5, 1973 (States-) In reply to your letter of November 1, please be advised that we do not have a copy of the Habeas Corpus mentioned therein on our file)Leonard J. Gilhuly-assistant Clerk) Re 15866, State Vs. John T. Reed. The docket entry shows no writ of Habeas Corpus ad prosequebdum on file.

In State Vs. John T. Reed, Marked as Exhibit (A) and attached hereto-

The Federal sentence is a valid sentence and final judgement was rendered after the second Circuit Court of Appeals affirmed petitioners appeal from the judgement rendered at the district court of New Haven, Connecticut.

Rule 35 cannot be used to extend judicial authority over a sentence beyond the 120 day period where the sentence is legally imposed. See 18, U.S.C.

2113-A Kortness V. United States, 514 F2d. 167 (8cir-1975)
The United States Constitution, like all Constitutions is written in broad, general language. The Constitutions do not purport to cover all the situations but they leave to the courts and to the legislatores the business of interpretation. Each State also has its own Constitution which may offer some protection to prisoners. Inaddition to providing a record for appellate review. A pretrial hearing enables a defendant to advance the basis of his objection or eliminate the risks of prejudice to the accused.
And thense to January 11, 1971 when the defendant filed a substituted plea to jurisdiction, and thense to January 14, 1971 when the States Attorney filed an answer to said substituted plea to jurisdiction, and thence to January 22, 1971 when the court (O'Sullivan, J)denied the said substituted plea to jurisdiction and thence to April 23, 1971 when the Court (MacDonald, J) denied the motion of the defendant filed November 17, 1970 to obtain transcripts, 81-MR-36 The State of Connecticut Vs. John Reed also known as Reid No-15866.
The State Supreme Court Of Connecticut affirmed and the plea to the jurisdiction was affirmed: Attorney Victor Fasano's motion for rehearing was not ruled on by the Court, but petitioner filed a motion for rehearing and was denied without opinion.
The Court Erred by not ruling on Attorney Victor Fasano motion for rehearing. Practice Book 3097 (C) (4) Provides "No motion for extension of time" under this rule shall be granted unless it is filed before the time for filing the appeal or subsequent paper has expired (Emphasis added)
Practice Book 3109 provides relevant, If a party shall fail to defebd against an appeal with proper diligence the Supreme Court may, on motion by any other party to the appeal or on its own motion, set aside in wholes or in part the judgement under attack with costs, and direct the entry of an appropriate final judgement by the trial Court against the party guilty of the failure. State V. McCarthy, 178 Conn. 1,3,425 2d. 924 (1979) Also see State Of Connecticut V. John Files, Ju, argued April 7, decision released April 21, 1981. April term (1981). Further an inordinate and unjustified delay in the State Corrective process may well result in the frustration of petitioner's rights and be such a circumstances as to render that process ineffective, Dixon V. Florida Ca3, 1/3/68.
While Comity imposes upon Federal Court requirement that applicants for Habeas Corpus first utilize orderly procedure of State Courts, such requirements is not imposed where it appears that prodecural rules have effect of rendering applicants without State remedy in actual practicalty and petition will not be summarily disposed of merely because State Attorney General maintains that there has has been failure to exhaust state remedies. Lovan V. Mingo D.C. KY 1970, 315. F. Supp, 656: Judgement may be reversed where the public Prosecuting Officer or Attorney General admits or confesses error.
Cal. -People V. Houston, 74 P. 2d 517, 24, C.A. 2d 170. The Sentencing Transcript in the State Of Connecticut V. John Reed, the defendant objected to long delays. No - 15, 866 June 18, 1971.

"where the legislatore has chosen specific means to effecuate a Fundamental right failure to follow the mandatory provisions of the Statute is plain error Reviewable by this court. State Of Connecticut V. George C. Carter- December. Tenn. 1980 Vol-XIII No-27

The Grand Jurors indictment was based on testimony that did not reach the requirement of the Statute: See 54-83. Testimony required in Capitol Cases: No person shall be convicted of any crime punishable by death without the testimony of at least two witnesses, or that which is equivalent there to. 1949- (Rev, S. 8799)

The statement made by Co-defendant Arthur Nurgo, Ralph Maselli and Thomas Viola were given on the night of murder. They were taken but no arrest was made. On April 22, 1971 when the Court (MacDonald. J) denied the motion of the defendant filed on November 12, 1969 for pretrial interview with perspective prosecution witnesses, this motion was not ruled on:

At trial on May 13, 1971 when the Court (Donnehy, J) denied the oral motion of the defendaant filed on said date to dismiss and for mistrial, and thence to May 27, 1971 when the Court (Donnehy, J) denied the motion of the defendant to dismiss,No- 15866 State Of Connecticut Vs. John Reed, also known as Reid 81-MR-36.

Judge Ellen Bree Burns erred in her decision dated 9th day of September, 1980. Civil No - N-79-130, Civil No- N-79-131. They rest on the sound basis that due process of law is satisfied when one present in Court is convicted of crime after having been fairly apprised (aware) of the charges against him and after a fair trial in accordance with Constitutional Procedural safeguards: In Frisbie V. Collins. Supra at 522.

The first statements were changed after Thomas Viola's arrest as a fugitive from Justice one year after given his first statement.

The statements were objected to and motion for mistrial were denied and motion to Dismiss indictment were filed and denied and appeal taken and denied. This is Plain Error.

The fact that evidence other than that which was improperly admitted is sufficient to justify a conviction does not make the admission of the evidence harmless, since it cannot be said what weight the Jury gave to the evidence in reaching their verdict: U.S. Payne V. State of Arkansas, Ark, 78, SCT. 844, 356, U.S. 560 2 Lo. Ed, 975.

The reviewing court will reverse a conviction where it cannot say from the record that the evidence erroneously admitted was not prejudicial to accused: Ill. People V. Page. 6 N.E. 2d 845, 365, Ill 524.

The High Court in ruling stated: Last week the Justices were asked to rule that at least some CONSTITUTIONAL ERROR SUCH AS THE USE OF UNCONSTITUTIONALLY OBTAINED

(Statements)
Miller V. California
No- 134

Rulings on evidence made during preliminary hearing on admissibility of Confessions in Prosecution for murder in first degree would be reviewed by Supreme Court of Errors: State V. Buteau (1949) 68 A 2d. 681; 136, Conn. 113- certiorari denied 20 S.C.T 516; 339 U.S. 903, 94 L.E.D. 1332.

Governments claim that statements admission of which defendant challenged in motion for poste- viction relief, were not incriminating but Exculpatory would not justify denial of hearing where they had been offered by state at trial as incriminating: Tucker V. U.S. C.A. D.C. 1980, 427, F2d 615.
The Court made it clear that there are some Constitutional rights. So Basic to arfair trial that their infraction can never be treated as harmless error.
"Like the use on inadmissable confessions inctiminating statements secured can never be deemed insignificant and unimportant as to be no more than harmless error. A Jurisdictional claim could be approached in a Capitol offence or permissibly prosecuted without custody: Smith V. United States, 360 U.S. 1, 10- (1959)
It is essential to a valid sentence that the court pronouncing it be anexisting one, lawfully in session at the time of rediction, with jurisdiction over the person and the offense changed and having power to pronounce the sentence and , jurisdiction of a case generally ends at the explaration of the term at which judgement is entered lawfully Constituted GA. Wells V. Newton- 28 S.E. 640 101 G.A. 141.
With Jurisdiction over the person an the crime which he is charged - U.S. Bauman V. U.S. C.C.A. La 156 F2d 534, and having power to pronounce the particular judgement or sentence, CAL. EXPARTE Bouchard.
176-P. 693, 38 C.A. 784 and EX Parte-Jacobson 176 P. 69 3,38 C.A. 784-
States and grants of immunity were given without authority to Co-Defendants- Ralph Masalli, Arthur Murgo, and Thomas Viola. Objections were made and denied with exception and appeal taken and affirmed, but Attorney Victor Fasano's motion for Re hearing was not ruled upon. This is plain error.
The purpose of priviledges and immunitiess clauses of both State Constitution and Fourteenth amendment to United Staes Constitution is to secure equality of treatment to all persons without undue favor on the one hand or discrimination on the other: State V. Nixon, 10. Wash App 355, 517, P2d. 212.
Upon principle, every state which takes away or impains vested rights acquired under existing law, or creates a new obligation imposes a new duty, or attaches a new disability, in respect to transactions or considerations already past, must be deemed retrospective:
Immunity from prosecution in another jurisdiction the constitutional privilege against self-Incrimination protects a State Witness against incrimination under Federal as well as State law, and a Federal witness against incrimination under State as well as Federal Law:
Accordeding to the United Stàes Supreme Court, Overruling or disapproving various earlier holdings or dicta to the contrary has established that in

order for a State grant of immunity to be constitutionally adequate, the immunity to Federal criminal proceeding and to criminal proceedings by other States also, the Supreme Court has expressed the opinion that the fifth Amendment does not permit the Federal Government to compel a witness to testify under a grant of immunity unless the immunity affords protection extending to State criminal proceedings.

While comity imposes upon Federal Court requirement that applicants for Habeas Corpus first utilize orderly procedure of State Courts, such requirement is not imposed where it appears that State procedural rules have effect of rendering applicants without State remedy in actual disposed of merely because State Attorney General maintains that there has been failure to exhaust State remedies. Lovar V. Wingo, D.D. KY. 1970, 315. F-Supp 656.

Habeas Corpus was appropriate remedy for person imprisoned under State Court conviction procured by a confession held by State reviewing Court to have been coherced and conceded by State to have been obtained in violation of U.S. C.A. Const, Amedn 14. F.A.Y. V. Nola N.Y. 1963, 83 Sct. 822, 332, U.S. 391, (L, 2d 837.

"Petition or Indicment" murder in the first degree, second degree, Manslaughter penaltys Death or life in prisonment for first degree, second degree, life, manslaughter 15 years.

Under Indicment for murder accused cannot be found guilty of any crime except murder in first or second degree or manslaughter B2C41.

Petitioner was given life imprisonment for second degree murder: This is Error when the first degree and manslaughter were dismissed by conviction of second degree Murder. Life is for first degree and death shall be in the discretion of the court or jury, but life is still life for first as it is for second. This is plain error and reviewable by appeal or correction. The case was on direct ~~direct~~ appeal and the State Supreme Court erred by not remanding the case back to Superiour Court at New Haven, Connecticut- For a proper Judgment

Further, an inordinate and unjustified delay in State Corrective process may well result in the frustration of petitioners rights and be such a circumstances as to render that process ineffective. DIXON V. FLORIDA, CA_5, 1/3/68.

Citing a stautory provision that sentencing in first degree murder cases is the sole province of the Jury, Justice Francis, dissenting, argues that the majority exceeds its authority in reducing the sentence he suggest that a separate trial on the issue of sentencing could be corrected or alternatively, A New Trial Held. (Mclonnell V. U.S. 4/19/68/ Page 2131-

At Sentencing Judge (Dannehy J.) states (That he did not have a CONSECUTIVE Sentence in mind) No objection was made by the State or did they appeal the Judge's intent to a CONCURRENT Sentence: Polko although indicted for first degree murder has been convicted of murder in the second degree after a Jury trial in a Connecticut State Court:"THE STATE APPEALED AND WON A NEW TRIAL." (ie State V. Polko 2 Conn Sup 271-1-68

The difficulty with the States position is that neither the State nor the appellant challenged the validity of the first sentencing and that since the sentence was with in the limits of the penalty provided by law it did not exceed the trial courts jurisdiction. The first sentence was the max Robbery 14 years.

[redacted]

Also see Sec 51 - 202 Connecticut Statute (Court Docket)
See Sec 51 - 203 Assignment: See Sec 54 - 95 Appeals: Appeals criminal prosecution 10 days after judgement is rendered: See Sec 54 -1c Admissibility of Confession:
Any admission confession or statement written or oral statement obtained from an accused person who has not been so presented to the first session of the court on the day specified in subdivision (1) (2) or (3) of section 54 - 15 or who has not been informed of his rights or provided by section 54 - 16 shall be inadmissible (1963, PA. 126, S.3, Pedenary - 1965, PA. 436, S. 2.
See Sec 54 - 43 A
See Sec 54 - 83
See Sec 54 - 43
Our recent cases have thoroughly rejected the Palko motion that basic Constitutional right can be denied by the States as long as the totality of the circumstances does not disclose a denial of fundamental fairness once it is decided that a particular Bill of Rights guarantee is Fundamental to the American Scheme of Justice.
Deneau V. Louisi: Ana, Supra, AT - 149: The Same Constitutional standards Ana, Against both the State and Federal Governments Palko's Roots had thus been cut away years ago: We today only recognize the inevitable.
October Term, 1968
393. U.S. No - 201

Citing a steutory provision that sentencing in first degree murder cases is the sole province of the Jury: Justice Francis, dissenting argues that the majority exceeds its authority in reducing the sentence: He suggest that a seperate trial on the issue of sentencing could be convened or alternatively a new trial held.

McConnell V. U.S.
4/19/68: Page 2131

On January 24th petitioner was denied the right to be confronted in Court of Law to start the process of extridition after being paroled: Letters and three parole slips make this statement a fact. also Parole Tapes.
No Court action was started at the Feldon County Court House at Atlanta Georgia or is there a recorded record of the petitioner being present at the Court the day of January 24, 1979 or any day after the 24th day of January 1979.
The Federal Court in Atlanta Georgia is where petitioner filed a petition for Habeas Corpus: Relief under the all WRITS Acts. Restraining order filed.
Being a Federal prisoner awaiting return to the State Of Connecticut to serve a life sentence: B.P. - 9 & 10- were filed and letters sent to Connecticut after service of eight years and four months of a 19 year Federal sentence.
Petitioner objected to the process of extridition being started after 27 months from time of being granted parole (this is plain error)
Objection was made in court and petitioners federal sentence is still in sequence.

Circuit Court Of Illinois
First Judicial District
Williamson County
Marion, Illinois. # 81 - MR - 36.

objected made

This transcript shows the court how the Petitioner and Judge objected as recorded in said hearing.

This testimony recorded at Williamson County, Illinois is part of information obtained from the record office at the Federal Penitentary: In Part the record states: As recorded in testimony: As some background to this situation, Parole had been previously granted to your detainer effective January 24, 1979 while this prisoner was in the U.S. Penitentary, Atlanta, Georgia paroles to detainers are routively afforded. Extridition hearings in the local Court jurisdiction were a prisoner is currently being held. At this hearing Mr Reed refused to waive extridition to your detainer, which cancelled his parole and he was returned to the Institution in Atlanta to continue serving his Federal sentence with your detainer still in effect: Letter attached hereto Case No-81-MR - 36.

The People of the State Of Illinois
V.S
John Timothy Reed

Sec 34 -467. Penalty for failure of officer to bring accused in Court any-officer who delivers to the agent for extridition of the demanding State: A person in his custody under the governmors Warrant, in wilful disobedience to section 34 - 166, shall be fined not more than one Thousand Dollars or be imprisoned not more than 6 months or both(1957 P.A. 362, S #)

Title 18, Section 662 U.S.C.

A Prisoner Held Contrary to the provision of that section is detained in violation of constitution and laws of the United States and could envoke the jurisdiction of a Federal Court by writ of Habeas Corpus to enquire into the leagality of his detention.(DAY V. Keim. C.C. A.W.VA. 1924, F2d 966)

DAY

(CONCLUSION)

The grant of immunity for the Co-Defendants was not a legal grant of immunity. They were arrested in Three sovergin and not given the authority to give truthful statements (THIS IS PLAIN ERROR)

The arrest of the defendant John Reed was made one year after the murder of the deceased Richard Biondi.

The first statement given to police the night the co-defendant were questioned were different after arrest of co-defendant Thomas Viola arrest, as a fugative from justice: He was returned to the State of Connecticut to stand trial with the defendant John Reed: The grant of immunity was obtained first for Ralph Maselli and Arthur Murgo. Immunity was granted for Thomas Viola in another sovergin but his grand jury transcript is not part of a recorded record. The State claim in Connecticut that the State of New Jersey gave no grants of immunity, and the state of Connecticut gave no immunity grants are part of a record of immunity arranged for codefendant or coconspitories to be witnesses in both State and Federal traials.

This is plain error and against the principals of the Immunity Statutes the State of Connecticut and the Federal Government did not grant the co_ conspiritiesor co_ defendants authorised immunity in a Federal or State Sovergin. And this is plain error. The trial and records show objection and exception and appeals taken and denied by the State Court, but Attorney Victor Fasano motion for rehearing was not ruled on by the State Supreme Court of Connecticut: This also is plain error. No opinion was given on petitioner Pro-Se petition for rehearing. No - 15, 866 State of Connecticut V. John Reed and this also is plain error.

Petitioner Federal Sentence was obtained first and the Court did not comply with the Federal Writ of Habeas Corpus Adprosequendum Civil No 13377 or did they obtain new writs after being sentenced in a Federal Court on October 2, 1970?

The Superior Court at New Haven County has the process of issuing said writs (Palmer J.) granted the motion to Quash writ of Habeas Corpus adtestificandum of Ralph Masello and Arthur Murgo with leave to renew No - 15866 State Of - Connecticut Vs. John Reed also known as reid.

Writ of Habeas Corpus is procedural device for subjecting executive judicial or private restraints on liberty to judicial scruting (Peyton V. Rowe Va, 1968, 88, S.C.T. 1549 391. U.S 54, 20 L.E.D. 426.

Judgement maybe reversed where the public prosecuting officer or Attorney General admits or confesses error.

CAL People V. Houston
74 P 2d, 517, 24, CA 2d, 170.

In Respondent brief the respondent states on July 16, 1970, petitioner was committed to Federal custody by a Federal magistrate, in lieu of bond. On August 18, 1970, Petitioner was transferred to the Federal Institution at Danbury Connecticut as a United States Marshals "Hold Over" status can be transferred to another Federal Institution and can also be turned over to State authorities for prosecution. Federal records indicate that as of August 18, 1970, Petitioner has been convicted of one Federal Robbery charge and had a second Federal bank robbery charge and a State murder charge pending.

This Is ERROR because petitioner was taken to Connecticut from the State Of New Jersey on a writ of removal held in Bridgeport Correctional Institution and taken to Danbury Correctional Institution and given a Federal prison number with committment papers. A copy of the Federal order and charge of bank robbery (is attached hereto the Federal sentencing transcript shows how the petitioner asked to have all Federal charges disposed of before being released to State custody, October 2, 1970, Sentencing Date.

The petitioner was not arrested for excape and not held by Bridgeport Police. So he was not in state custody just held as a Federal holdover prisoner for one day. After being placed in Danbury petitioner waited to October 2, 1970 and was sentenced to 19 years No - 12, 577. Petitioner was paroled after Eight years and four months and not released.

The error is the way the State Supreme Court ruled, The petitioner was arrested in concurrant custody he was not convicted by a Federal Court, but only awaiting

trial at the time the defendant filed his plea, He had been convicted of the Federal charge and an appeal from that conviction was pending. The defendant contends that since the Federal case has not yet concluded he was still within Federal Court jurisdiction and could not be tried on State charges.
In State V. Reed, February 1978, 174 Conn, 287.
The writ of Habeas Corpus on file in Federal Court "States to be returned to State custody after trial". So the State Supreme Court is in error. Civil No - 13377.
Wherefore because of the forgoing facts and letters and exhibit the petitioner John Reed is being held and detained, and restrained of his liberty by the State Correctional Institution at Somers, Connecticut in violation of the United States Constitution and therefore Prays this petition be granted and the petitioner freed from custody.

Respectfully Submitted
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